

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER JOSEPH GROH ) Case No. 04-2539  
STAR NO. 4457 )

FINDINGS AND DECISION

On March 3, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Joseph Groh, Star No. 4457 (hereinafter sometimes referred to as "Respondent"), for violating the following rules:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department (Two counts)

Rule 8: Disrespect or maltreatment of any person, while on or off duty.

Rule 14: Making a false report, written or oral (Three counts)

The Police Board of the City of Chicago investigated these charges and caused a hearing on these charges against Police Officer Joseph Groh, Star No. 4457, to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on March 15, 2005, and March 23, 2005.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the videotape of the hearing. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, found and determined that:

1. The Respondent was at all times employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on March 15, 2005 and March 23, 2005.

4. Throughout the hearing, Police Officer Joseph Groh, Star No. 4457, was present and represented by counsel.

5. The Respondent Police Officer Joseph Groh, Star No. 4457, charged herein, contrary to the Rules and Regulations, is guilty of violating to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department, in that:

Count I: On 17 April 2003, in the vicinity of 1230 N. Burling, Officer Groh, while on duty, took action that brought discredit upon the Department when he physically maltreated Rondell Freeman when he kicked Freeman about the body.

Count II: On 05 June 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Groh brought discredit upon the Department when he gave a statement that contained false information and responded to questions in a manner intended to impede and/or obstruct the Department's investigation of the incident occurring on 17 April 2003, in the vicinity of 1230 N. Burling.

Rule 8: Disrespect or maltreatment of any person, in that on 17 April 2003, in the vicinity of 1230 N. Burling, Officer Groh, while on duty, physically maltreated Rondell Freeman when he kicked Freeman about the body.

Rule 14: Making a false report, written or oral, in that:

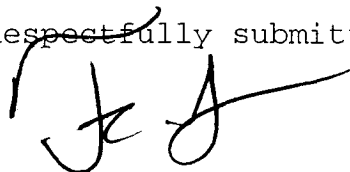
Count I: On 05 June 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Groh gave a statement that contained false information in that he denied kicking Rondell Freeman.

Count II: On 05 June 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Groh gave a statement that contained false information in that he denied being able to identify himself on tape while viewing video footage of the incident occurring on 17 April 2003, in the vicinity of 1230 N. Burling.

Count III: On 05 June 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Groh gave a statement wherein he provided false information in that he stated he was standing maybe forty to fifty feet away from the van occupied by Rondell Freeman.

By reason of the findings of fact, the Respondent is guilty of violating Rules 2, 8, and 14.

Respectfully submitted,



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THOMAS E. JOHNSON  
Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified transcription of the hearing, having viewed the videotapes of the hearing, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein, and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary history, a copy of which is attached hereto as Exhibit A; and

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Joseph Groh, Star No. 4457, as a result of having been found **guilty** of the charges in Police Board Case No. 04-2539, is hereby **suspended** from his position as a Police Officer, and from the services of the City of Chicago, from 03 March 2004 to and including 31 MAY 2005.  
MAC

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS**  
28th **DAY OF** APRIL, 2005.

William A. Fuhring  
Scott Baker  
Edna  
Patricia C. Ball  
Walter  
Res. Jimmy Miller  
James Miller  
Max A. Cann

Executive Director  
Police Board

Page 5 - Findings and Decision  
Police Officer Joseph Groh  
Star No. 4457

D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board in Police Board Case No. 04-2539.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

RECEIVED A COPY OF THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

Chicago Police Department  
Personnel Division

07/09/2003

COMPLIMENTARY HISTORY

<u>Name</u>	<u>Title</u>	<u>SSN</u>	<u>Star</u>	<u>Unit</u>	<u>Detail Unit</u>
GROH JOSEPH	9161	[REDACTED]	04457	018	

HONORABLE MENTIONS

3

COMPLIMENTARY LETTERS

0

DEPT. COMMENDATIONS

AWARD NUMBER:

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OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber . of Comm	0	Unit Meritorious	0	Fitness Award	0
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
Awd of Valor	0	WGN Award	0	Partnership Award	0
Supt. Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd	0	Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME DUFFY MICHAEL OPS SUPERVISOR STAR: 00105 UNIT: 113

Completed by:

CR #: 288879

Annette Steptore  
Personnel Division  
Records Section -2089-2092  
Pax 0-342 or Bell 5-5390

Ex. A.

**INTERNAL AFFAIRS DIVISION  
RECORDS SECTION**

09 JULY 2003

**TO:** COMMANDING OFFICER UNIT 113  
**FROM:** RECORDS SECTION  
INTERNAL AFFAIRS DIVISION  
**SUBJECT:** PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

GROH JOSEPH	4457	018
NAME (LAST, FIRST M.I.)	STAR	UNIT
MALE	WHITE	
SEX	RACE	S.S.N.

**REFERENCE:** COMPLAINT REGISTER NUMBER 288879

**THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT  
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

SUPV.	DUFFY	105	113
RANK	NAME	STAR	S.S.N.
			UNIT

**RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE  
ABOVE REFERENCED COMPLAINT REGISTER NUMBER.**

**THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE  
FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT  
ACCUSED FOR THE PAST FIVE (5) YEARS.**

**VERIFIED/PREPARED BY:**

NIYA SCOTT

NONE

**FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION**

Ex. A

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER BRYAN VANDER MEY, ) No. 04 PB 2540  
STAR No. 13972, DEPARTMENT OF POLICE, )  
CITY OF CHICAGO, )  
RESPONDENT ) (CR No. 288879)

FINDINGS AND DECISION

On March 2, 2004, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Bryan Vander Mey, Star No. 13972 (hereinafter sometimes referred to as "Respondent"), for violating the following rules:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against Police Officer Bryan Vander Mey, Star No. 13972, to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on August 21, August 22, and September 8, 2006.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the hearing and viewed the video-recording of the hearing. Thomas E. Johnson, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:



1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on August 21, August 22, and September 8, 2006.

4. Throughout the hearing, the Respondent was present and represented by counsel of his choice.

5. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count I: On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, discharged oleoresin capsicum (OC) spray into a vehicle without supervisory approval.

Count II: On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, physically maltreated a citizen on the street in front of numerous citizens.

Count III: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false

information and responded to questions in a manner intended to impede and/or obstruct the Department's investigation of the incident occurring on April 17, 2003, in the vicinity of 1230 North Burling Street, Chicago.

6. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, failed to adhere to the provisions of General Order 02-08, addendum 2, section III-B1(d)1 in that he discharged oleoresin capsicum (OC) spray into a vehicle without supervisory approval as required.

7. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, physically maltreated Rondell Freeman when he punched and kicked Freeman about the body.

8. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral.

Count I: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied playing any part in removing Rondell Freeman from a vehicle on April 17, 2003, at

approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

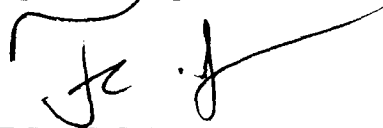
Count II: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied discharging oleoresin capsicum (OC) spray into a vehicle on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

Count III: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied being able to recognize himself on tape while viewing video footage of the incident occurring on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

Count IV: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied knowing where he parked the squadrol on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

By reason of the findings of fact that the Respondent is guilty of violating Rules 2, 6, 8, and 14, cause exists for the suspension of the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from March 3, 2004, to and including March 2, 2007.

Respectfully submitted,



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THOMAS E. JOHNSON  
Hearing Officer

D E C I S I O N

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Bryan Vander Mey, Star No. 13972, as a result of having been found **guilty** of charges in Police Board Case No. 04 PB 2540, be and hereby is **suspended** from his position as a police officer, and from the services of the City of Chicago, for a period from 03 March 2004 to and including 02 March 2007 (three years).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
21<sup>st</sup> DAY OF SEPTEMBER, 2006.

*Phyllis G. Geller*  
*Patricia Bobb*  
*William C. Fink*  
*Vicki S. S. S.*  
*Scott Davis*

*Max A. Caproni*

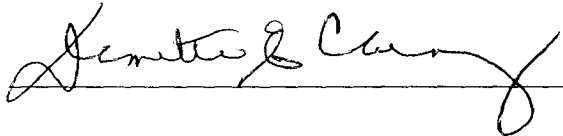
Executive Director  
Police Board

Page6 - Findings and Decision  
Police Officer Bryan Vander Mey  
Case No. 04 PB 2540

D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

The undersigned voted to impose a penalty of discharge.

  
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\_\_\_\_\_  
\_\_\_\_\_

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

Chicago Police Department  
Personnel Division

07/09/2003

COMPLIMENTARY HISTORY

<u>Name</u>	<u>Title</u>	<u>SSN</u>	<u>Star</u>	<u>Unit</u>	<u>Detail Unit</u>
VANDER MEY BRYAN	9161	[REDACTED]	13972	018	

HONORABLE MENTIONS

6

COMPLIMENTARY LETTERS

0

DEPT. COMMENDATIONS

AWARD NUMBER:

0

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OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber . of Comm	0	Unit Meritorious	0	Fitness Award	1
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
d of Valor	0	WGN Award	0	Partnership Award	0
Supt. Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd	0	Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME DUFFY MICHAEL OPS SUPERVISOR STAR: 00105 UNIT: 113

Completed by:

CR #: 288879

Annette Steptore  
Personnel Division  
Records Section -2089-2092  
Pax 0-342 or Bell 5-5390

Ex. A, p. 1 of 2

**INTERNAL AFFAIRS DIVISION  
RECORDS SECTION**

09 JULY 2003

**TO:** COMMANDING OFFICER UNIT 113  
**FROM:** RECORDS SECTION  
INTERNAL AFFAIRS DIVISION  
**SUBJECT:** PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

VANDE MEY BRYAN	13972	018
NAME (LAST, FIRST M.I.)	STAR	UNIT
MALE	WHITE	
SEX	RACE	S.S.N.

**REFERENCE:** COMPLAINT REGISTER NUMBER 288879

**THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT  
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

SUPV.	DUFFY	105		113
RANK	NAME	STAR	S.S.N.	UNIT

**RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE  
ABOVE REFERENCED COMPLAINT REGISTER NUMBER.**

**THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE  
FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT  
ACCUSED FOR THE PAST FIVE (5) YEARS.**

**VERIFIED/PREPARED BY:**

NIYA SCOTT

NONE

**FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION**

Ex. A, p. 2 of 2